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# Northwest Power and Conservation Council

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June 3, 2025

## MEMORANDUM

**TO:** Council Members

**FROM:** Patty O'Toole

**SUBJECT:** Fish and Wildlife Program amendment work session for June 2025

## BACKGROUND:

**Presenter:** Fish and Wildlife and Legal division staff

**Summary:** The recommendations to amend the Council's Columbia River Basin Fish and Wildlife Program will be discussed, along with an amendment process check-in that will include a quick review of the legal framework for working with the recommendations and concepts for reorganizing the Fish and Wildlife Program.

**Relevance:** Per the Northwest Power Act, the Council must call for recommendations to amend the Fish and Wildlife Program prior to updating its Power Plan. The recommendation period closed on May 19, and the Council is currently accepting comments on those recommendations through July 3.

**Workplan:** This work addresses a primary responsibility under the Northwest Power Act and task A. 4, 5, and 6 of the Fish and Wildlife Division Work Plan under the Program Policy and Planning function.

Recommendations to amend the 2014/2020 Columbia River Fish and Wildlife Program were due on May 19. Since then, staff has been busy organizing, posting, reading, and digesting the recommendations. For the June Council meeting, staff proposed reviewing and discussing the

recommendations, primarily at a high level, with a deeper dive into the recommendations for changes to mainstem dam hydro operations.

On May 20, the Council opened a public comment period on the recommendations per section 839(h)(4)(B) of the Northwest Power Act. The deadline is July 3, 2025. Comments may be submitted as a general comment or as a specific comment to a recommendation. All of the recommendations and instructions for providing comments can be found on the Council's [website](#).

We are pleased to report that the amendment process seemed well-received by the region. The Council received recommendations from 60 entities and individuals that addressed many aspects of the Program. The recommendations include those from 7 state fish and wildlife agencies, or state-supported agencies, 15 tribes or tribal organizations, and two federal agencies. The number of state and tribal entities is slightly lower than in the past; the number of federal agencies is markedly lower than in the past and likely reflects changes currently occurring within federal agencies. However, the recommendations are comprehensive and address nearly all areas of the Fish and Wildlife Program.

At the June meeting the staff will:

1. Provide an overall process and calendar check-in, along with a few reminders about important elements of the Northwest Power Act that relate to how the Council is to work with the recommendations it receives.
2. Review recommendations with Council members. This will happen in two stages:
  - a. First, staff will review their *initial observations* of the recommendations for major sections of the Program with the Council. This will be a brief overview, and not all the recommendations will be discussed during this work session. Please refer to the [full set of recommendations](#) for all the details. The staff does not anticipate discussing *detailed options* for amending the Program or discussing *draft language* for an amended Program at the June meeting. That work will occur after the public comment period is concluded on July 3. A draft overview document of the recommendations will be sent to members separately from this memo.
  - b. Second, staff will review the recommendations for changes to mainstem dam hydro operations in more detail. A draft technical summary of recommendations for hydro operations will be sent to members separately from this memo.

The Council received many recommendations for hydrosystem operations addressing mainstem flow and passage. Topics included baseline hydrosystem measures, F&W Program goals and objectives related to hydrosystem operations, flow objectives, storage reservoir operations, run-of-the-river pool operations and passage (including spill), Lower Snake River dams, power system considerations in hydrosystem operations, sturgeon passage, and the Fish Passage Center.

After the Program amendment work session, there will be a follow-up work session to discuss scoping hydro operations for the upcoming Power Plan.

Note: staff is still developing in-depth summaries of the recommendations for *other areas* of the Program. These will be shared and reviewed with members at future Council meetings.

3. Review draft concepts for reorganizing the Fish and Wildlife Program.

In May, Council members expressed support for staff to work on reorganizing the Program in a content neutral manner that would reduce redundancies and streamline the Program to better clarify mitigation actions and improve efforts to track implementation and performance. Staff also heard support from several state fish and wildlife agencies and tribes for improving Program organization and combining the 2020 Addendum with the amended Program.

In June, staff will discuss objectives for the reorganization, review the 2014/2020 Program outline, and detail our approach and proposal for consideration of a new draft outline for the amended Program. This proposed draft outline reduces redundancies among strategies, focuses strategies on key implementation actions, combines similar sections, and limits use of the appendix to support information only (i.e., measures moved to the main document). Furthermore, the draft outline draws on previous staff work to map projects to their purpose and emphasis, and to evaluate Program implementation and performance through categorical assessments. By incorporating terminology developed in those efforts, we will be better able to connect measures, strategies, projects, indicators, objectives, and goals, leading to improved tracking of both implementation and Program performance.

Additional Information:

- Slides for #1 above follow this memo
- [Link](#) to recommendations and instructions for providing comments

# **2025-2026 Amendment Process Update**

**June 2025 Council  
Meeting**

**Missoula, Montana**

**Council staff**



**Northwest Power and  
Conservation Council**





# Today's work session topics:

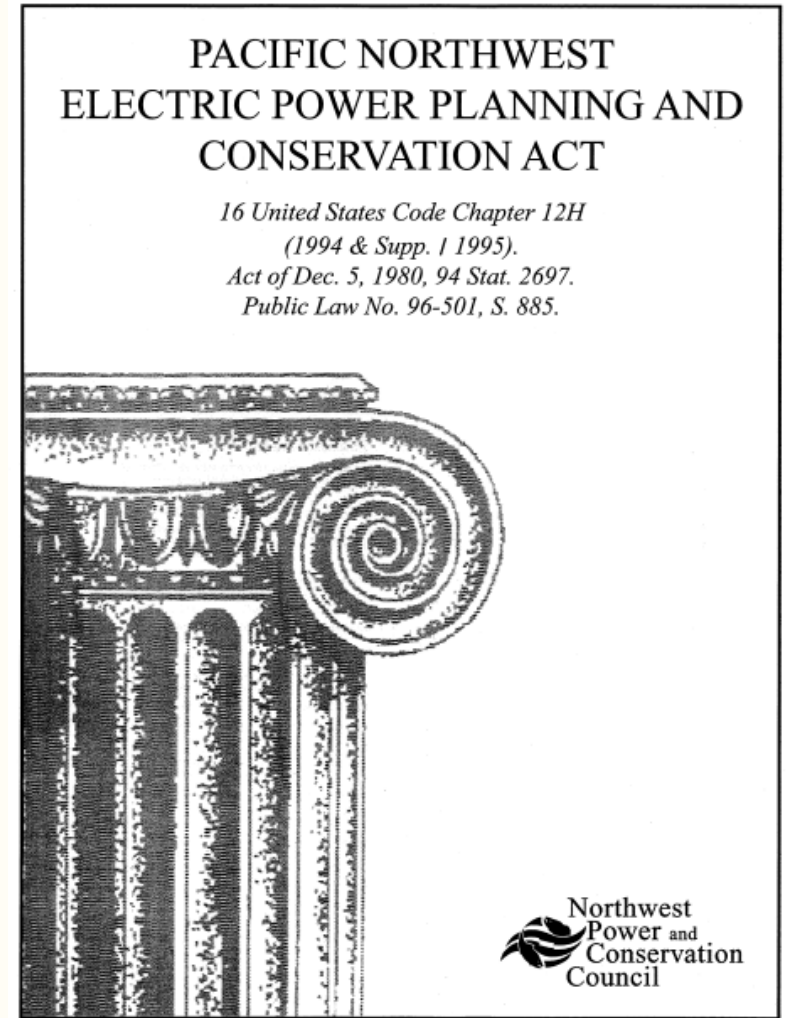
1. Process check-in, quick reminder of NPA amendment decision standards
2. Review of recommendations for amendment
  - Early observations of recommendations
  - In-depth review of hydro operations recommendations
3. Concepts for reorganizing the Program

Month	Planned Council activities	Notes
June 10-11 (Missoula)	<ul style="list-style-type: none"> <li>• Amendment work session, 5 hours at June meeting</li> <li>• Extra work session June 26, ¾ day webinar</li> <li>• Comment period closes July 3</li> </ul>	<ul style="list-style-type: none"> <li>• Continue reading recommendations</li> <li>• Talk with people, capture in administrative record</li> </ul>
July 15-16 (Portland)	<ul style="list-style-type: none"> <li>• Amendment work session, one full day</li> <li>• Extra work session by webinar July 29, all day webinar</li> </ul>	<ul style="list-style-type: none"> <li>• Continue reading recommendations, read comments after July 3</li> <li>• Talk with people, capture in administrative record</li> </ul>
August 12-13 (Portland)	<ul style="list-style-type: none"> <li>• Amendment work session, one-two days</li> <li>• Extra work session by webinar August 26</li> </ul>	<ul style="list-style-type: none"> <li>• Read summaries, discuss topics and issues, begin developing options</li> <li>• Talk with people, capture in administrative record</li> </ul>

**Reminder on Decisions Standards in the  
Northwest Power Act for the  
Columbia River Basin  
Fish and Wildlife Program**

# Today's reminders

- Amendment process and basic task
- Primary substantive responsibility
- Dealing with recommendations and “findings”
- Refer to September meeting materials for more detail

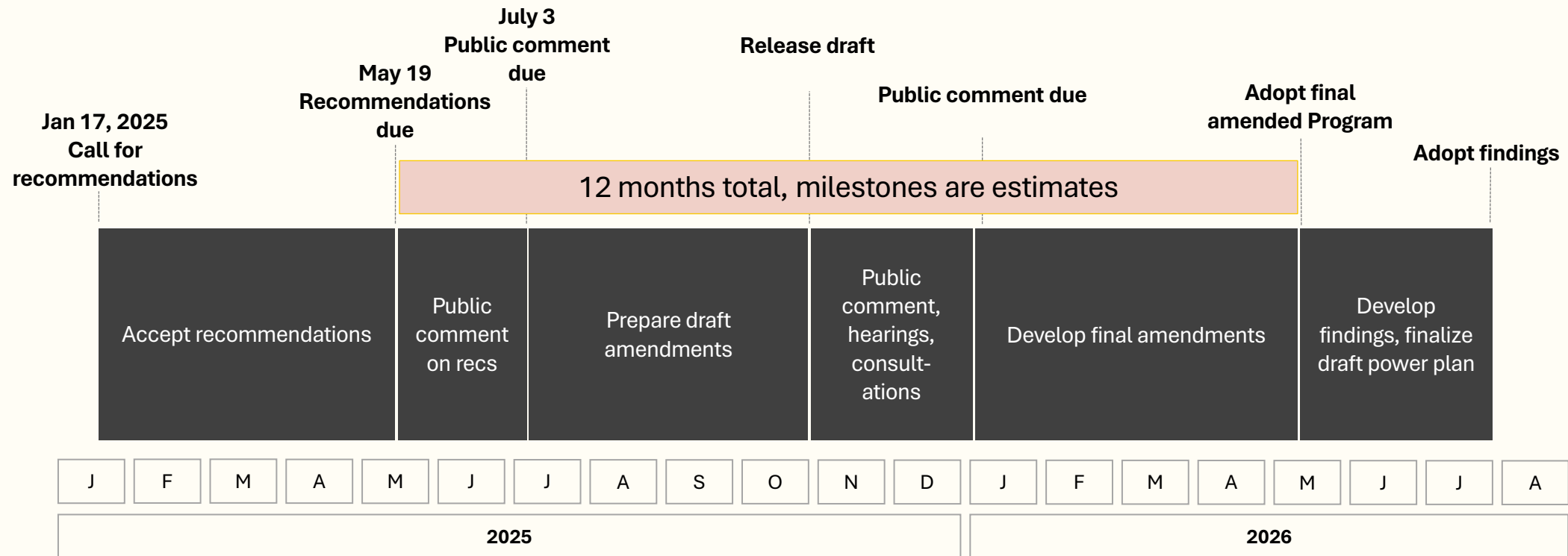




# Overview of Fish and Wildlife Program Amendment steps



# Estimated timeline for Fish and Wildlife Program Amendment Process (*extended*)



# Fish and Wildlife Program amendment process

- Recommendations are in
- Been over the *process* steps to take in comment, develop draft, take in more comment, adopt final
- Reminder here about the substantive decisionmaking standards in the Act
- Recommendations are the key raw material or fuel with which the Council begins its work to begin reshaping the program:
  - Section 4(h)(5): The Council shall develop a program on the basis of such recommendations, supporting documents, and views and information obtained through public comment and participation, and consultation with the agencies, tribes, and customers referred to in [Section 4h(4)].
- Council has responsibilities under the Act to consider and use these recommendations and to explain what it did

# Primary substantive responsibility: Sections 4(h)(1) and 4(h)(5)

- The program shall consist of measures to **protect**, **mitigate**, and **enhance** fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of such facilities while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. Enhancement measures shall be included in the program to the extent such measures are designed to achieve improved protection and mitigation.
  - “Protect” and “mitigate” are not defined. Common sense meaning.
  - Enhance is defined as offsite mitigation in compensation for hydrosystem losses [4(h)(5), 4(h)(8)(A)]
  - Because of the unique history, problems, and opportunities presented by the development and operation of hydroelectric facilities on the Columbia River and its tributaries, the program, to the greatest extent possible, *shall be designed to deal with that river and its tributaries as a system.*

# Section 4(h)(6): additional substantive criteria

4(h)(6) The Council **shall include in the program measures** which it determines, on the basis set forth in paragraph (5), will--

- (A) complement the existing and future activities of the Federal and the region's State fish and wildlife agencies and appropriate Indian tribes;
- (B) be based on, and supported by, the best available scientific knowledge;
- (C) utilize, where equally effective alternative means of achieving the same sound biological objective exist, the alternative with the minimum economic cost;
- (D) be consistent with the legal rights of appropriate Indian tribes in the region; and
- (E) in the case of anadromous fish--
  - i. provide for improved survival of such fish at hydroelectric facilities located on the Columbia River system; and
  - ii. provide flows of sufficient quality and quantity between such facilities to improve production, migration, and survival of such fish as necessary to meet sound biological objectives



# Section 4(h)(7): dealing with recommendations and “findings”

The Council shall determine whether each recommendation received is consistent with the purposes of this Act.

In the event such recommendations are inconsistent with each other, the Council, in consultation with appropriate entities, shall resolve such inconsistency in the program giving due weight to the recommendations, expertise, and legal rights and responsibilities of the Federal and the region's State fish and wildlife agencies and appropriate Indian tribes.

If the Council does not adopt any recommendation of the fish and wildlife agencies and Indian tribes as part of the program or any other recommendation, it shall explain in writing, as part of the program, the basis for its finding that the adoption of such recommendation would be—

- (A) inconsistent with paragraph (5) of this subsection;
- (B) inconsistent with paragraph (6) of this subsection; or
- (C) less effective than the adopted recommendations for the protection, mitigation, and enhancement of fish and wildlife

# Upcoming important dates (extended)

- **May 19, 2025** – Recommendation period Closed
- **May 20, 2025** – Open public comment on the recommendations
- **July 3, 2025** – Close of comment period



**Columbia River  
Basin Fish and  
Wildlife Program**

# Recommendations

# 2025-2026 Program Amendment Recommendations

- 7 State fish and wildlife or state supported agencies
- 15 Tribes or tribal organizations
- 2 Federal agencies
- 3 Bonneville customer, utility, other river users, user groups
- 8 Environmental, fishing groups, NGOs
- 3 Program Implementation Entities
- 3 Local Government Entities
- 19 Recommendations from individuals